

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63001 of 2021

Arising Out of PS. Case No.-32 Year-2021 Thana- HATHAURI District- Samastipur

MANISH KUMAR Son of Bhatni Mandal Resident of Village - Pura
Shivajinagr, P.S.- Hathauri, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-03-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner rather 480.030
liters of illicit liquor is said to have been recovered from the
house of co-accused Ram Prakash Mandal and seeing the



police party the petitioner managed to escape from the place of occurrence. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended co-accused person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in the account of Bihar Kishore Nyay Nidhi, bearing Saving Bank Account No.35094613009, IFSC Code: SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna, Branch Code 153.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in



connection with Hathauri P.S. Case No. 32 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00 (Rupees Twenty Thousand) in the account of Bihar Kishore Nyay Nidhi.

(Anjani Kumar Sharan, J)

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